

JUN 16 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

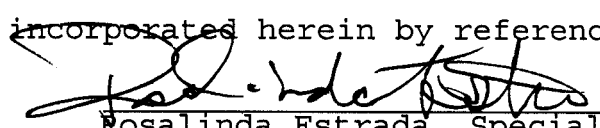
'08 MJ 8537

UNITED STATES OF AMERICA,)	Magistrate Case No.:
)	
Plaintiff,)	COMPLAINT FOR VIOLATION OF
)	
v.)	21 U.S.C. § 952 and 960
)	Importation of a Controlled
Gilberto Antonio)	Substance (Felony)
ALVARADO-Conde,)	
)	
Defendant.)	

The undersigned complainant being duly sworn states:

That on or about June 15, 2008, within the Southern District of California, defendant Gilberto Antonio ALVARADO-CONDE did knowingly and intentionally import approximately 26.02 kilograms (57.24 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Rosalinda Estrada, Special Agent
U.S. Immigration and Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th
day of JUNE 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Gilberto Antonio ALVARADO-CONDE

4 STATEMENT OF FACTS

5 This Statement of Facts is based on the reports, documents,
6 and notes furnished to U.S. Immigration and Customs Enforcement
7 Special Agent Rosalinda Estrada.

8 On June 15, 2008, at approximately 1318 hours, Gilberto
9 Antonio ALVARADO-CONDE attempted to enter the United States from
10 the Republic of Mexico through the Calexico, California, West
11 Port of Entry. ALVARADO was the driver and sole occupant of a
12 1993 Mercury Sable bearing Baja California/MX license plate
13 BCU9383. ALVARADO was not the registered owner of the vehicle.

14 Primary Customs and Border Protection Officer (CBPO) D.
15 Morris received a negative Customs declaration from ALVARADO.
16 ALVARADO stated he was on his way to Walmart to do some shopping.
17 ALVARADO stated he did not own the vehicle and the vehicle
18 belonged to his brother-in-law. Upon inspecting the vehicle,
19 CBPO Morris noticed that the spare tire in the trunk felt too
20 heavy for its size. CBPO Morris escorted ALVARADO and the vehicle
21 to the vehicle secondary lot for further inspection.

22 In the secondary inspection area, Canine Enforcement Officer
23 (CEO) Smura utilized his Human/Narcotic Detection Dog (HNDD) to
24 search the vehicle. The HNDD alerted to the spare tire and rear
25 seat of the vehicle. CBPO Morris discovered a total of eighteen
26 (18) packages concealed in the spare tire, back seat, and back
27 seat rest of the vehicle. The packages contained a green leafy
28 substance. CBPO Morris probed one of the packages and a sample
29 of a green leafy substance was obtained, which field tested

1 positive for marijuana. The 18 packages had a combined weight of
2 approximately 26.02 kilograms (57.24pounds).

3 ALVARADO was notified of his arrest and advised of his
4 Miranda Rights, which he acknowledged and waived. ALVARADO
5 admitted knowledge of the drugs in the vehicle and stated that he
6 was to be paid \$1500.00 dollars for smuggling the drugs.